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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : HOFFBECK, Mark David  
SERIAL NO : 10/785,146  
FILED : February 24, 2004  
TITLE : INBRED MAIZE LINE PH3RC

Grp./A.U. : 1638  
Examiner :  
Conf. No. : 8164  
Docket No. : P06268US02 - PHI 1433C

## PRELIMINARY AMENDMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

It is respectfully requested that this Preliminary Amendment be entered and made of record. The following amendments and remarks place the application in form for allowance. No new matter is presented, as such the Amendment is proper under 37 C.F.R. §1.115. Applicant respectfully requests reconsideration.

Introductory Comments

Claims 1-10 are pending in the present application.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments begin on page 6 of this paper.

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(e))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop Amendment, Alexandria, VA 22313-1450.

## FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (571) 273-8300.

Date: 6/16/05

  
LILA A. T. AKRAD

**REMARKS**

Applicant respectfully submits that this Preliminary Amendment will not unduly interfere with the preparation of the first Office Action. The present application relates to inbred maize plant and seed PH3RC.

Claims 1-10 are pending in the present application. Claim 2 has been amended. Applicant acknowledges the addition of new claims 11 and 12. The new claims do not add new matter as there is support for the claims in the originally filed specification. Support for the specific items noted in the claims can be found within the specification for waxy starch on page 31; for male sterility on page 41; for herbicide resistance on pages 38-40; for insect, bacterial, fungal and viral disease resistance on pages 35-38; and the SSR profile on pages 60-63. In addition, Applicant has amended the specification to clarify the deposit language. Applicant has also amended the specification on page 59, to remove the hyperlink and instead just recite the Internet address as in accordance with MPEP § 608.01. No new matter has been added. Entry of this Preliminary Amendment and approval of the changes is respectfully requested.

In conclusion, Applicant submits in light of the above amendments and remarks, the claims as amended are in a condition for allowance, and reconsideration is respectfully requested. If it is felt that it would aid in prosecution, the Examiner is invited to contact the undersigned at the number indicated to discuss any outstanding issues.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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